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SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION
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April 29, 1974

TO: All Commissioners and Alternates
FROM: Charles R. Roberts, Executive Director

MAY 1 1974

SUBJECT: Recent Amendments to AB 2040 (Knox)

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1. Background. In its November 30, 1973, memorandum to the Commission, the staff described in some detail the regional agency that would be created under Assembly Bill 2040 introduced by Assemblyman Knox. In general, the new agency would supplant the Association of Bay Area Governments, and the governing board of the agency, composed of locally-elected officials, would become the ex officio governing board of the Metropolitan Transportation Commission (MTC) and the Bay Area Sewage Services Agency (BASSA). As such, it would exercise the powers given those boards under State law. The new agency would also be given the power to enact ordinances requiring local plans to be consistent with its own regional plan on matters of regional importance.

As originally introduced and passed by the Assembly, the bill would not have affected the Commission. Now, however, Assemblyman Knox is proposing amendments that would make the governing board of the new agency the ex officio governing board of BCDC and the Bay Area Air Pollution Control District. This would mean that the new agency would have all the planning responsibilities and exercise all powers now vested in the Commission under the McAteer-Petris Act.

The proposed amendments would make other changes in the bill as well. The most significant of these is the inclusion of a provision providing for submission to the electorate in 1978 of three choices relating to the composition of the governing boards of the agency: (1) all elected; (2) all local officials; and (3) one-half local officials and one-half elected. The other major changes add special district representation to the governing board and make it clear that, like BCDC, the new agency can only veto local decisions and not force local government to take specific actions to conform their planning or zoning to the regional plan. Under the amendments, the agency would also not have to assume immediately the powers and duties of all the agencies it would ultimately replace, thus allowing for a more gradual transition than originally proposed.

2. Effect of the Amendments. The staff believes that the proposed amendments, insofar as they relate to BCDC, may raise some issues not yet fully considered in the drafting of the legislation. With regard to both permits and amendments to the Bay Plan, for example, the McAteer-Petris Act contains some unique voting requirements, and it is not clear to what extent the proposed amendments would be consistent with these requirements. Furthermore, past experience would indicate that the public and State agency members of the Commission have brought to the work of the Commission an important perspective that might be lost under the presently-proposed composition of the governing board. Another question would appear to be whether a part-time governing board would have the time to transact all the business now handled by the separate governing bodies of ABAG, MTC, BCDC, BASSA, and BAAPCD.

3. Staff Recommendation. The staff recommends that the staff prepare for Commission consideration a draft of a letter to Assemblyman Knox analyzing the potential problems that may arise if BCDC is absorbed into the new agency, so that these problems can be considered in further drafting of the legislation. Because the bill is not yet in final form, the staff is not recommending that the Commission hold public hearings or take a position on it at this time.

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